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**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-
FIRST APPELLATE AUTHORITY UNDER THE
RIGHT TO INFORMATION ACT, 2005**

F.A. Nos.24 & 26/2017

**Present : Dr. A.S. SIVAKUMAR
Registrar of Co-operative Societies-cum-
First Appellate Authority**

✓ K. Jeyakandhan,
Thirukanji Street,
Pudhu Nagar-III,
Kanuvapet, Villianur,
Puducherry - 605 110.

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Appellant

Vs.

1. The Public Information Officer /
Deputy Registrar (Audit),
Co-operative Department,
Puducherry.

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Respondent in
F.A. No.24/2017

2. The President,
The Puducherry Co-operative Book
Society Ltd.,
Puducherry.

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Respondent in
F.A. Nos.24 & 26/2017

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

As the issues involved in both the first appeals filed under Section 19 of the Right to Information Act, 2005 are almost similar and the relief sought for is identical, both the first appeals are disposed by this common order.

2. In respect of F.A. No. 24/2017, the applicant in his application dated 6.10.2017 sought information for five queries in respect of the second respondent society. For queries 1 and 2, the first respondent provided the information on 7.11.2017 after collecting additional fee of Rs. 108/- from

the applicant. The first respondent transferred the application to the second respondent to answer the queries Nos. 3 and 4.

3. The grievance of the appellant by way of his first appeal is that the second respondent has not furnished the information. Further, he sought a certificate from the first respondent that all the relevant information was furnished to him in respect of query No.2.

4. In so far as F.A. No.26/2017, the applicant addressed an application under the Act to the first respondent and requested information in respect of International Book Exhibition, 2012 and other details about the society. This application was transferred by the first respondent to the second respondent on 6.10.2017 under a copy to the applicant. Aggrieved by non-receipt of information within their prescribed period, this first appeal came to be filed.

5. The provisions of the Right to Information Act are to be adhered only by a public authority, as defined under Section 2(h) of the Act. In compliance with the decision of the Hon'ble Apex Court in *Thalappalam Service Co-operative Bank Ltd., and others Vs. State of Kerala and others*, reported in 2013 (12) SCALE 527 : 2013 (6) CTC 98 : (2013) 7 MLJ 407: 2013 (4) KLT 232: 2014-1-LW-273, the Department has issued a circular vide No. RCS/CLC/SFCS/2014/172 dated 23.12.2014 listing out the societies which come under the definition of 'public authority' in as much as they are substantially financed by the appropriate Government. The second respondent society does not answer the definition of 'public authority', as it is not substantially funded by this Government.

6. In view of the above, the respondent cannot maintain an application under the Act against the second respondent society and whatever information that is available with the first respondent has been provided to the applicant. The other information pertaining to the second respondent society cannot be sought for under the Act. The first respondent has mechanically transferred the application to the second respondent without verifying whether the second respondent society is a 'public authority'. Before transferring the application, it is imperative on the part of the first respondent to ascertain whether the society to which the application is transferred is obliged to entertain the application under the Act.

7. When some information is provided to the applicant, he cannot seek a certificate from the Public Information Officer that all relevant information is made available to him. Only when the information is not provided in full, he can seek redressal by way of first appeal.

8. The first respondent is directed to have a relook on the various queries raised by the appellant in both the applications and if any information can be provided, based on the records available with the public authority, and if so, such information shall be provided or else the applicant may be informed that no further information is in possession of the public authority. This exercise should be completed within a period of fifteen days from the date of receipt of this order.

9. Both the appeals stand disposed on the above terms.

10. A second appeal against the decision shall lie with the Central Information Commission, Room No. 305, 2 nd Floor, B wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066, within ninety (90) days, as provided under Section 19(3) of the Act.

Dated, the 22..... December, 2017

(Dr. A.S. SIVAKUMAR)
REGISTRAR OF CO-OPERATIVE SOCIETIES

To

The parties